

Summary
Solid Waste Management Board
Indiana Government South, Conference Center Room A
Public Entrance at 302 West Washington Street, Indianapolis, Indiana
1:30 p.m., EST
February 21, 2012

1. CALL TO ORDER

The meeting was called to order by Chairperson William Graham at 1:34 p.m. A quorum was present. Mayor Graham introduced new board member William Etzler, representing small business.

Members present: Mayor William Graham, Rick Dyar, Tom Barnett, Marlin Chambers, Jim Murray, Ted Niemiec, M.D., Jason Ward, William Etzler, Eric Shields, proxy for Pam Fisher, and Deborah Albright, Legal Counsel.

Present for IDEM: Thomas Easterly, Commissioner, Bruce Palin, Assistant Commissioner, Office of Land Quality (OLQ), Peggy Dorsey, Deputy Assistant Commissioner, OLQ, Nancy King, Chief, Rules Development Branch, Office of Legal Counsel (OLC), Ann Long, Attorney, OLC, Michael Dalton, OLC, Steve Mojonner, OLC, Lynn West, OLC, Michael Habeck, OLQ, and Pat Likins, OLQ.

2. APPROVAL OF MINUTES

Mayor Graham asked if there were any changes or corrections to the meeting summary of the September 20, 2011, meeting. A motion was made and seconded to approve the meeting minutes. The board voted unanimously to approve the September 20, 2011 meeting summary without change.

3. REPORTS

Mr. Bruce Palin briefly spoke about the Underground Storage Tank (UST) Operator Training Requirements Rule, LSA #10-66. He stated that if there are no comments received by the end of the second comment period, it could possibly be presented for preliminary adoption at the March 20, 2012 meeting; if comments are received, the rule could then be presented at either the April 16, 2012, meeting or the May 15, 2012, meeting. Ms. Lynn West distributed the latest 2012 Rulemaking Project Chart.

4. RULE ACTIONS

LSA #09-193 Registration of Biomass Anaerobic Digestion Facilities and Biomass Gasification Facilities

Mayor Graham announced the public hearing to consider preliminary adoption of LSA #09-193, new rules at 329 IAC 11.5, Registration of Biomass Anaerobic Digestion Facilities and Biomass Gasification Facilities. He introduced Exhibit A, the draft rule, into the record of hearing. He asked Ms. Lynn West to present the rule.

Ms. Lynn West explained that this rulemaking would amend the Solid Waste Processing Facility Rules at 329 IAC 11-3-1 to exclude biomass anaerobic digestion facilities, biomass gasification facilities and other listed facilities to operate without a solid waste permit. She stated that 329 IAC 11.5 was added to encompass registration, storage, operational, financial assurance, and closure requirements for biomass anaerobic digestion facilities and biomass gasification facilities. She also said that this rule will ensure consistent requirements for all affected facilities. There is no cost for registration of biomass digester and gassifer facilities. She stated that IDEM staff had met with

interested parties regarding the rule language for preliminary adoption and has identified some revisions that will be made to the rules before final adoption.

Mayor Graham asked if there were any questions from the Board. There were none. He asked for public commenters to speak. Mr. Justin Schneider, Indiana Farm Bureau, Incorporated, and Mr. Josh Trenary, Indiana Pork Advocacy Coalition, stated that their organizations supported preliminary adoption of the rule but asked for some rule changes before final adoption.

There was a Board discussion.

Mayor Graham concluded the hearing. He asked for a motion to preliminarily adopt the rule. Mr. Chambers made a motion to preliminarily adopt the rule and Mr. Ward seconded. With a roll call vote, the Board voted unanimously to adopt the proposed rule.

LSA #09-194, Registration of Facilities that Use Industrial Process Waste or Commercial Solid Waste as an Alternative Fuel Source.

Mayor Graham announced the public hearing to consider preliminary adoption of LSA #09-194, Registration of Facilities that Use Industrial Process Waste or Commercial Solid Waste as an Alternative Fuel Source. He introduced Exhibit B, the draft rule, into the record. He asked Ms. Lynn West to present the rule.

Ms. Lynn West explained that 329 IAC 11.7 concerns registration, storage and operation standards, closure, and financial assurance for facilities that use industrial process waste or commercial solid waste as an alternative fuel source. She stated that the rulemaking would provide relief to the facilities from obtaining a solid waste processing facility permit and said there would be no cost for registration. Ms. West said that IDEM staff had met with interested parties regarding the rule language and has noted some revisions will be made to the rule before final adoption.

Mayor Graham asked if there were any questions from the Board. There were none. He asked for public commenters to speak. Mr. Greg Bailey, Lehigh Cement Company, LLC, said that his company supported preliminary adoption of the rule and suggested that it should coincide with the Environmental Protection Agency (EPA) definitions of solid waste.

A board discussion followed.

Mayor Graham concluded the hearing. He asked for a motion to preliminarily adopt the rule. Mr. Ward made a motion to preliminarily adopt the rule and it was seconded by Mr. Chambers. With a roll call vote, the Board voted 9 affirmative with 1 abstention. The board voted to adopt the proposed rule.

LSA #10-253 New Rules Concerning the Registration of Mobile Home Salvaging Operations at 329 IAC 11.6

Chairman Graham announced the public hearing to consider preliminary adoption of LSA #10-253 New Rules Concerning the Registration of Mobile Home Salvaging Operations at 329 IAC 11.6. He introduced Exhibit C, the draft rule, into the record. He asked Ms. Lynn West to present the rule.

Ms. Lynn West explained the purpose of the rulemaking. She stated that 329 IAC 11.6 was added concerning the registration requirements for operations that salvage mobile homes, which previously were regulated under the solid waste processing permit requirements. She stated that this rule represents IDEM's efforts to adjust those regulatory requirements to alleviate expensive and restrictive requirements for a business with a small profit margin. There is some fiscal impact in regard to planning, storage, operational, financial assurance; however, the rule does provide relief to facilities from obtaining a solid waste processing facility permit. There is no cost for registration.

Mayor Graham asked if there were any questions from the Board. There was a board discussion. He asked for public commenters to speak. There were none.

Mayor Graham then concluded the hearing. He asked for a motion to preliminarily adopt the rule. Mr. Chambers moved to preliminarily adopt the rule and it was seconded by Mr. Ward. With a roll call vote, the Board voted unanimously to adopt the proposed rule.

LSA #11-90, Updates and Corrections to the Hazardous Waste Management Rules at 329 IAC 3.1

Mayor Graham announced the public hearing to consider final adoption of LSA #11-90 Updates and Corrections to the Hazardous Waste Management Rules at 329 IAC 3.1. Mayor Graham introduced Exhibit D, the preliminarily adopted rule, into the record. He then asked Mr. Steve Mojonier to present the rule.

Mr. Mojonier stated that this amendment would make 6 changes resulting from changes to the federal hazardous waste program in 40 CFR 260 through 40 CFR 279. He explained that this rule keeps the 2008 Code of Federal Regulations as the current Indiana Hazardous Waste Rule since later editions contain EPA's "definition of solid waste" rule that IDEM did not adopt. He also said that the EPA was currently revising the definition of solid waste rules, and when they are published as a final rule, IDEM will decide whether or not to propose them for adoption at that time. If that decision is made IDEM would propose adopting the CFR edition current at that time.

Mayor Graham asked if there were any questions from the Board. There was a board discussion. He asked for public commenters to speak. There were none.

Mayor Graham then concluded the hearing. He asked for a motion to final adopt the rule. Mr. Dyar moved to final adopt the rule and it was seconded by Mr. Barnett. With a roll call vote, the Board voted unanimously to adopt the proposed rule.

5. NONRULE POLICY DOCUMENTS

Mr. Bruce Palin gave a brief history on the two Nonrule Policy Documents (NPDs), Nonrule Policy Document NPD Waste-0046-R, "Remediation Closure Guide" (formerly known as the Risk Integrated System of Closure (RISC) Technical Guidance and Users Guide) and Nonrule Policy Document NPD Waste-0060, "Remediation Program Guide". Mr. Palin explained the difference between the two NPDs. He said the remediation closure guide includes the technical parts of site contamination evaluation and closure. He also said that the second NPD is a complimentary guide which identifies each of the remediation program guides and explains usage of the guide in those programs. Mr. Palin deferred to staff presenters Mr. Michael Habeck and Ms. Pat Likins, OLQ.

Mr. Michael Habeck, Section Chief, Science Services, OLQ, gave a presentation of the Remediation Closure Guide (RCG). He explained the necessity of the revision of the 2001 Risk Integrated System of Closure Technical Resource Guidance document and how it evolved.

Ms. Pat Likins, Environmental Technical Specialist, Remediation Branch, OLQ, presented the Nonrule Policy Document NPD Waste-0060, "Remediation Program Guide". She stated that the RPG was developed to make the similarities and differences between the remediation programs more apparent and to explain the path from site discovery to site closure for each program.

Two members of the Board asked questions which were answered by IDEM staff. Mayor Graham asked if the Board was required to approve the NPDs, to which Mr. Palin stated that the Board was not required to take action. Mr. Palin also explained that future people coming into the program would be required to comply with the new guidance.

6. OPEN FORUM

Chairman Graham asked if anyone from the public wanted to speak on topics of interest or potential rulemakings. There were no commenters.

7. ADJOURNMENT

The next meeting is tentatively scheduled for 1:30 p.m. E.D.T. on Tuesday, March 20, 2012, at the Indiana Government Center South Conference Room A. Mayor Graham adjourned the meeting at 3:05 p.m.

CHAIRPERSON

A court reporter recorded this meeting. A typewritten transcript of the entire meeting is on file in the Office of Legal Counsel, Indiana Department of Environmental Management. **To view approved minutes, you may go online to <http://www.in.gov/ide/4709.htm>.**